IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.86/01

Avtar Singh Kaushal **Versus** State & Anr.

DATE OF ORDER :: 12/09/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Dr. P.C. Jain, for petitioner

Mr. Arun Sharma, Public Prosecutor for State

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Instant petition is directed against the order dated 15th January, 2001 whereby the objection raised by petitioner in regard to bar provided for prosecution against an officer of the Cantonment Board u/s.272 of Cantonment Act, 1924, was dismissed by learned trial Judge on the premise that the complaint has been sent for investigation u/s.156(3) Cr.P.C. and it will not be appropriate to stay the inquiry undertaken under the orders of this court.

From the case diary which has been shown to this court, Investigating Officer also submitted Final Report along with letter dated 7th December, 2001. Since no prejudicial action has been taken against petitioner even at the stage of investigation undertaken, the question, which he has raised in the instant petition about the scope of Section 272 of the Act does not emerge for consideration at this stage.

In view of FR being submitted by Investigating Officer, this criminal misc. petition has become infructuous.

Consequently, the misc. petition stands dismissed as having become infructuous. However, if any order is passed causing prejudice to him at a later stage, he will be free to take appropriate proceedings available to him under law.

[AJAY RASTOGI],J.